

## U.S. Department of Justice



**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 07/17/2021  
DATE FILED:**

*United States Attorney  
Southern District of New York*

86 Chambers Street  
New York, New York 10007

July 16, 2021

By CM/ECF

Honorable Katharine H. Parker  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**APPLICATION GRANTED**

*Katharine H. Parker*  
**Hon. Katharine H. Parker, U.S.M.J.**  
07/17/2021

Re: *Dadario v. Comm'r of Soc. Sec.*, 1:20-cv-10758-KPF-KHP

Dear Judge Parker:

This Office represents the Commissioner of Social Security (Commissioner) in the above-referenced action pursuant to 42 U.S.C. § 405(g), challenging a decision by the Commissioner denying Plaintiff's application for benefits. Pursuant to the Court's Order dated May 24, 2021 (CM/ECF No. 15), the Commissioner is to file a certified administrative record (CAR) by July 23, 2021. The undersigned respectfully requests a 60-day extension of this deadline to September 21, 2021, to file the CAR.

This is the Commissioner's second request for an extension of the deadline to file this CAR. The extension is necessary because teleworking and other temporary workplace changes since mid-March 2020 due to the COVID-19 pandemic continue to significantly impact the operations of the Social Security Administration's Office of Appellate Operations (OAO) and materially affect its ability to prepare certified administrative records, including obtaining transcriptions of hearing recordings from private contractors (transcription vendors). *See generally* April 29, 2021 Declaration by Executive OAO Director Jebby Rasputnis (Decl.) (attached). Over the past year, OAO has redesigned its business process to allow for a virtual CAR preparation process, and has worked and continues to work to expand and improve this process, particularly in order to accommodate the increased number of new court cases. *See* Decl. ¶¶ 2-6. After months of piloting new processes, updating vendor agreements, and making staffing changes, OAO continues to work towards increasing its productivity of the transcriptions of the hearing recordings in several respects. *See* Decl. ¶ 2. First, it is providing transcription vendors with direct access to the hearing recordings. *See* Decl. ¶ 2. Second, OAO secured additional transcription vendor capacity, and is continuing to seek additional capacity. *See* Decl. ¶ 2. Third, OAO increased its own participation in the transcription process by establishing an in-house transcription cadre with updated technology, and working with agency closed captioners to assist with transcription. *See* Decl. ¶ 2. These changes have enabled OAO to increase its CAR production. For instance, OAO is averaging production of over 700 transcripts per week, which is almost double the number of transcripts it produced prior to the COVID-19 pandemic. *See* Decl. ¶ 3.

Although the current process has improved and CAR production has increased, challenges remain, particularly as a result of the significant increase in new court case filings. *See Decl.* ¶¶ 4-6. OAO respectfully requests continued patience as it works to add transcription capacity, increase production of CARs, and address rising court case filings. Decl. ¶ 6.

We have conferred with Plaintiff's counsel regarding this application, and counsel advised that he consents to this request.

Thank you for Your Honor's consideration.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: Ariella Zoltan  
Ariella Zoltan  
Special Assistant United States Attorney  
c/o Social Security Administration  
Office of General Counsel  
26 Federal Plaza, Room 3904  
New York, NY 10278  
Tel.: (212) 264-2217  
Fax: (212) 264-6372  
[ariella.zoltan@ssa.gov](mailto:ariella.zoltan@ssa.gov)

cc: Daniel Berger, Esq.